

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RANDY C. WEISSERT,

Plaintiff,

v.

NICOLE M. COOK, THOMAS M.  
PHILLIPS and BRIAN GRILL,

Defendants.

Case No. 1:05-CV-335

Hon. Richard Alan Enslen

**ORDER**

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On January 12, 2005, this Court became concerned that it may have improvidently entered default against Defendants Nicole M. Cook and Thomas M. Phillips. Defendant Brian Grill removed this action from Montcalm County Circuit Court to this Court. Upon removal it appeared that Defendants Cook and Phillips had not appeared, pled, or otherwise defended their interests and the Clerk entered default. Concern arose when it was later discovered that Defendants Cook and Phillips answered Plaintiff Randy C. Weissert's Complaint in Montcalm County Circuit Court, but papers indicating such did not arrive in this Court until after default was entered.

In light of the foregoing, the Court warned Plaintiff that it was considering setting aside the Entry of Default pursuant to Federal Rule of Civil Procedure 55(c). Plaintiff was ordered to show cause within 14 days. The Court observes that Plaintiff has not responded within the Court's schedule (or at all), and that good cause otherwise exists to set aside the entry of default. FED. R. CIV. P. 55(c).

**THEREFORE, IT IS HEREBY ORDERED** that the Court's Entry of Default against Defendants Nicole M. Cook and Thomas M. Phillips (Dkt. No. 11) is **VACATED**.

DATED in Kalamazoo, MI:  
February 10, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE